# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

AMALIA B. VERCELUZ

DOCKET NO. 2006-0176

To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber )
The Whole or Any Part of Its )
Property, Certificate, or Permit. )

# DECISION AND ORDER NO. 22919

Filed October 4 , 2006

At \_\_\_\_\_\_o'clock \_P .M.

Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY DEPT. OF COMMERCE AND CONSUMER AFFAIRS STATE OF HAWAII

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ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

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Docket No. 2006-0176

Decision and Order No. 22919

# DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 4097-C ("Certificate No. 4097-C") from AMALIA B. VERCELUZ ("Transferor") to VERCELUZ TRUCKING, LLC ("Transferee"), subject to certain conditions, as described herein.

I.

# Application to Transfer Common Carrier Authority

On July 7, 2006, Transferor filed an application seeking commission approval to transfer Certificate No. 4097-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 4097-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the dump truck classification.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers

that may be affected by the proposed transfer, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

II.

## Findings and Conclusions

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 4097-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

#### Orders

## THE COMMISSION ORDERS:

- 1. Transferor's application to transfer Certificate No. 4097-C to Transferee is approved.
- 2. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff and paying a fee of \$20 for motor carrier gross revenues.
- 3. Transferor shall file with the commission her annual financial report for the period of operation from 2006-0176

January 1, 2006, to the effective date of this Decision and Order, and shall pay the associated motor carrier gross revenue fee.

- 4. Transferor and Transferee shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.
- 5. Transferee shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii \_\_\_\_\_\_OCT - 4 2006 \_\_\_\_.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P Caliboso Chairman

7/578.

John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou Commission Counsel

2006-0176.eh

### CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 22919</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P. O. Box 541 Honolulu, HI 96809

AMALIA B. VERCELUZ 655 Halula Place Wailuku, HI 96793

VERCELUZ TRUCKING, LLC P. O. Box 177 Puunene, HI 96784

W Karen Higashi

DATED: OCT - 4 2006